

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5511,1128, 1375 & 2195 all of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

LAXMIBEN THAKORBHAI VILLAGE ADAJAN

Versus

MUNICIPAL CORPORATION OF THE CITY OF SURAT, THROUGH

Appearance:

MR KK TRIVEDI for Petitioner
MR PRASHANT G DESAI for Respondent No. 1, 3
MR SP HASURKAR ADDL. GP with Ms. Hansa Punani,
Asstt. GP for Respondent No. 2.
Mr. M.D. Pandya for respondent SUDA.

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 05/09/2000

ORAL JUDGEMENT

Rule. Service of Rule is waived by Mr. Prashant G. Desai, learned advocate appearing for respondent No.1 Corporation and Ms. Punani, learned AGP appearing for respondents No. 2 with S.P.Hasurkar, learned Addl. G.P and Mr. M.D. Pandya, learned advocate appearing for respondent Surat Urban Development Authority [SUDA]. On the facts and in the circumstances of the case and at the request of the learned advocates appearing for the respective parties, present petitions have been taken up today itself for final disposal.

In all these petitions, the order passed by the first respondent rejecting application for development permission submitted by the petitioner and raising various queries has been challenged by the petitioner. In special civil application No. 5511 of 2000, the order of rejection of an application for development permission is dated 13th March, 2000 page 18, Annexure "B" to the said petition. In special civil application No. 1375 of 2000, order of rejection of an application for development permission is dated 4th November, 1999 page 17, Annexure "A" to the petition. In special civil application No. 1128 of 2000, the order of rejection of an application for development permission is dated 20th November, 1999 page 17 annexure "A" to the petition. In special civil application No. 2195 of 2000, the order of rejection of an application for development permission is dated 14.2.2000, page 16, Annexure "A" to the said petition. During the course of hearing, learned advocate Mr. Trivedi appearing for the petitioners in all these petitions has pointed out that while considering the applications of the petitioners herein for development permission, the respondent authority has not taken into consideration the guidelines issued by the Government of Gujarat in its Urban Development and Urban Housing Department dated 4th November, 1999. Therefore, Mr. Trivedi has submitted that the petitioners will make representation in detail before the respondent authority and the petitioners will also remove all the objections which were raised by the respondent authority against the development permission. He has further submitted that as and when such representation is made by the petitioners before the respondent authority, the respondent authority may be directed to decide and dispose of the same in accordance with law and also in light of the Government Circular dated 4th November, 1999 referred to hereinabove. He has submitted that if such directions are issued by this Court, that will bring an end of the present proceedings. Learned advocate Mr. Prashant G. Desai appearing for the first respondent Corporation has

submitted that the respondent No.1 Corporation has filed affidavit in reply in special civil application no. 1128 of 2000 and in para 10 thereof, very same circular has been referred by the corporation and has also pointed out that under the said circular, certain clarifications and guidelines have been issued by the State of Gujarat for implementing the development plan and revised draft town planning scheme under sec. 122(1) of the Town Planning Act.

Therefore, considering the submissions made by the learned advocates for the parties, the petitioners herein are directed to make such representation in the subject matter of these petitions within 20 days from today and the respondent authority is directed to consider and decide such representation that may be made by the petitioners herein within one month from the date of receipt of such representations from the petitioners herein. The respondent authority shall consider and decide such representation in accordance with law keeping in view the provisions of the revised development plan pending consideration before the State Government and also in light of the guidelines prevalent at the time of consideration of the representation for development permission and also in light of the guidelines issued by the Government of Gujarat in its circular dated 4th November, 1999 referred to hereinabove.

Subject to these directions, these four petitions are disposed of. Rule in each of the petitions is discharged with no order as to costs.

5.9.2000. (H.K. Rathod,J.)

Vyas